



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,388	06/05/2001	Naozumi Jogo	Q64739	4587

7590 06/23/2005

SUGHRUE, MION, ZINN
MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
----------	--------------

2677

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,388

Applicant(s)

JOGO, NAOZUMI

Examiner

Motilewa A. Good-Johnson

Art Unit

2677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venable, U.S. Patent Number 6,557,017, in view of Luo, U.S. Patent Number 6,654,506.

Regarding claim 1, Venable discloses a method of cropping and synthesizing an image on a screen (col. 4, lines 54-67) comprising the steps of: displaying a boundary with a reference point on an image to synthesize on said screen (figure 8, col. , lines 4, lines 53-67, a structured image, which Examiner interprets as an image to synthesize, i.e., combine, having a pasteboard and at least one adjustable attribute) upon selecting a template having at least a frame (col. 18, lines 28-61), said boundary having a corresponding shape to that of said frame of said selected template . . . variable in size . . . and centered on said reference point (col. 8, lines 36-67) moving said boundary on said screen through an operation device to place said reference point of said crop boundary on an appropriate point of said image to synthesize (col. 7, lines 26-30); thereafter enlarging or reducing said crop boundary of said reference point, to bound an appropriate area of said image to synthesize (col. 9, lines 37-38); adjusting a size of an

image of said bounded area (col. 9, lines 1-17); pasting said image in said frame of said template after enlarging or reducing said image in accordance with the size of said frame of said template (col. 8, lines 49-67)

However, it is noted that Venable fails to disclose cropping, moving a crop boundary on a screen through an operation device, and displaying a crop boundary.

Luo discloses crop windows for cropping images and using a crop window and moving a cropping window, col. 7, lines 1-22, and further displaying a crop boundary, figures 6-9.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the invention of Venable in the reference point and bounding box for producing structure images, displaying a crop boundary and using the crop window as disclosed in Luo for cropping images, to allow a user increase performance in combine operations, i.e. synthesizing, of image to enable attributes such as size, location and angle of object in an image to be altered for optimal image processing.

Regarding claim 2, Venable discloses said reference point is located inside said crop boundary at a constant position relative to said crop boundary (col. 9, lines 60-65)

Regarding claim 3, Venable discloses cropped image is automatically enlarged or reduced in accordance with the size of said frame of said selected template (col. 8, lines 49-67)

Regarding claim 4, Venable discloses displaying reference lines inside said crop boundary, to define an internal zone within said crop boundary . . . and moving at least

one of said reference lines on said screen through said operation device while keeping said reference point on said appropriate point . . . (col. 12, lines 64-66)

Regarding claim 5, Venable discloses an image adjustable attributes method comprising the steps of: displaying an image on said screen (figure 9); displaying a boundary with a reference point on said image on said screen . . . boundary having an equal aspect ratio to that of said designated frame size . . . (figure 7); moving said boundary on said screen through an operation device, to place a predetermined reference point of said boundary . . . enlarging or reducing said boundary about said reference point . . . (col. 7, lines 26-30) pasting said image in said frame of said template after enlarging or reducing said image in accordance with the size of said frame of said template (col. 8, lines 49-67)

However, it is noted that Venable fails to disclose cropping, moving a crop boundary on a screen through an operation device, and displaying a crop boundary.

Luo discloses crop windows for cropping images and using a crop window and moving a cropping window, col. 7, lines 1-22, and further displaying a crop boundary, figures 6-9.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the invention of Venable in the reference point and bounding box for producing structure images, displaying a crop boundary and using the crop window as disclosed in Luo for cropping images, to allow a user increase performance in combine operations, i.e. synthesizing, of image to enable attributes such as size, location and angle of object in an image to be altered for optimal image processing.

Art Unit: 2677

Regarding claim 6, Venable discloses an image processing method comprising the steps of: displaying an image on said screen (figure 9); displaying a boundary with a reference point on said image on said screen . . . boundary having an equal aspect ratio to that of said designated frame size . . . and being centered . . . (col. 11, line 55 – col. 12, line 8); displaying reference lines inside said crop boundary, to define an internal zone within said boundary . . . (col. 12, lines 61-66); moving said boundary together with said reference lines on said screen through an operation device . . . (col. 7, lines 26-30); moving at least one of said reference line on said screen through said operation device while keeping said reference point on said appropriate point of said image . . . (figure 9); enlarging or reducing said boundary about said reference point automatically . . . (col. 10, lines 1-15); cropping an image of an area of said image . . . (col. 17, lines 57-60)

However, it is noted that Venable fails to disclose cropping, moving a crop boundary on a screen through an operation device, and displaying a crop boundary.

Luo discloses crop windows for cropping images and using a crop window and moving a cropping window, col. 7, lines 1-22, and further displaying a crop boundary, figures 6-9.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the invention of Venable in the reference point and bounding box for producing structure images, displaying a crop boundary and using the crop window as disclosed in Luo for cropping images, to allow a user increase performance in

Art Unit: 2677

combine operations, i.e. synthesizing, of image to enable attributes such as size, location and angle of object in an image to be altered for optimal image processing.

Regarding claims 7 and 8, they are rejected based upon similar rational as above independent claim 1 and dependent claim 4. Venable further discloses with regard to claim 7, allowing a user to bind an object to a template for printing, which Examiner interprets as selecting, and the template will automatically change color and cropping, col. 17, lines 39-60.

Regarding claim 9, Venable discloses display device displays samples of said different kinds of templates on said screen in a small size before one of said templates is selected (figure 21)

Regarding claim 10, Venable discloses display device displays a plurality of images in a small size on said screen, among which said image to synthesize may be selected from and is displayed in a large size after being selected (figure 10)

Regarding claim 11, Venable discloses display device displays said synthesized image on said screen after said image synthesizing device completes pasting said cropped image in said frame of said template (figure 10)

Regarding claim 12, Venable discloses an image input device (140) for inputting image data, and a printer (130, col. 7, lines 30-32) for printing out said synthesized image

Regarding claims 13-16, Venable discloses the appropriated area of said image corresponds to a region of interest selectable by a user (figure 5, fitmode selected by user, which Examiner interprets as a region of interest)

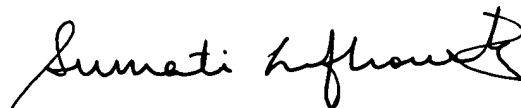
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Thursday 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Motilewa A. Good-Johnson
Examiner
Art Unit 2677

mgj


SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER